

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

BRITTANI CANTERBURY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. CV 07-1372-ODW (PLA)

**ORDER TO SHOW CAUSE RE: DISMISSAL
OF ACTION**

Petitioner, who was at that time an inmate in the custody of the Federal Bureau of Prisons ("BOP") incarcerated at the Federal Prison Camp in Victorville, California, filed, through counsel, a "Motion for Credit For Time Spent While Detained Pursuant to 28 U.S.C. § 2255" in the United States District Court for the District of Utah. Thereafter, the District Court for the District of Utah construed her Motion as a petition for writ of habeas corpus challenging the execution of a sentence, which is properly brought pursuant to 28 U.S.C. § 2241 in the district where the prisoner is confined. Accordingly, the District Court for the District of Utah transferred the case herein, where it was filed on March 1, 2007.

Respondent filed an Answer to the Petition, supported by a Memorandum of Points and Authorities, on May 29, 2007. In its Answer, respondent stated that, in response to the instant Petition, the BOP conducted an investigation into petitioner's claim and recalculated her

1 presentence credit. As a result of the investigation, the BOP increased her presentence credit
2 from 11 days to 48 days and recalculated her scheduled release date from September 20, 2007,
3 to August 14, 2007. (See Answer at 3-4).

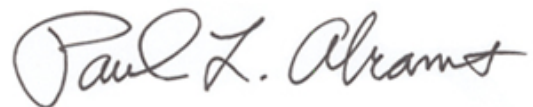
4 On July 30, 2007, petitioner filed a Reply to the Answer in which she stated that she "does
5 not take issue with the United States of America's Memorandum of Points and Authorities."
6 Further, petitioner stated that she agrees that she should receive the additional days of credit, and
7 concludes: "Petitioner respectfully feels that she should be released on August 14th, 2007." (See
8 Reply).

9 Accordingly, it appears to the Court that petitioner's claims have become moot and that
10 the Petition should be dismissed.

11 For the foregoing reasons, **no later than June 12, 2009**, petitioner is **ordered to show**
12 **cause** why this action should not be dismissed as moot.

13 **Failure to respond to this Order by June 12, 2009, will result in the summary**
14 **dismissal of this action.**

15
16 DATED: May 28, 2009



PAUL L. ABRAMS
UNITED STATES MAGISTRATE JUDGE